Permit No: NDR04-0000
Effective Date: July 1, 2009
Expiration Date: March 31, 2014

AUTHORIZATION TO DISCHARGE UNDER THE

NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

Small Municipal Separate Storm Sewer Systems both qualifying for and satisfying the requirements identified in Part II of this permit

are authorized to discharge stormwater

to waters of the state

in accordance with the conditions set forth in this permit.

This permit and the authorization to discharge shall expire at midnight,

March 31, 2014

Signed this 18th day of June, 2009.

Dennis R. Fewless, Director
Division of Water Quality

BP 2008.10.08

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OUTFALL DESCRIPTION

Storm Sewer System Outfall(s) – Active. Municipal Separate Storm Sewer System discharges. The stormwater discharges from a pipe, ditch, or other discrete conveyance to receiving waters.

PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
System-wide	Stormwater Management Program Annual Report	Annually	March 31, 2010
Application Renewal	NPDES Application Renewal	1/permit cycle	December 31, 2013
New Applicants	NPDES Application	1/permit cycle	180 Days After Notification

Applications and reports shall be submitted to the Department at the following address:

North Dakota Department of Health
Division of Water Quality
918 East Divide Ave
Bismarck, ND 58501-1947

I. PERMIT COVERAGE AND LIMITATIONS

During the effective period for this general permit municipalities are authorized to discharge stormwater from regulated portions of their municipal separate storm sewer system (MS4) in accordance with the requirements and conditions outlined in this permit.

A. Discharges Covered

1. This permit applies to stormwater discharges from small Municipal Separate Storm Sewer Systems (MS4s) as defined in the phase II stormwater rules, 40 CFR 122.26(b)(16) and designated under 40 CFR 122.32(a)(1) & (a)(2).

2. Certain non-stormwater discharges into the MS4 from sources listed in Part V.G.3 of this permit do not need to be addressed unless determined to be a significant contributor of pollutants to waters of the state.

3. Stormwater discharges from certain municipally operated industrial activities provided the conditions in Part V.G.6 are met.

B. Coverage Limitations

1. This permit does not authorize discharges other than stormwater. Non-stormwater discharges may include: combined sewer overflow, noncontact cooling water, sewage, wash water, scrubber water, spills, oil, hazardous substances, fill, commercial equipment/vehicle cleaning and maintenance wastewaters. A separate NPDES permit may be required for these discharges.

2. This permit does not authorize the discharge of stormwater when a separate NPDES permit is required for these activities. For example, while stormwater from industrial activity or construction activity may be discharged from a MS4 with authorized stormwater discharges, this permit does not replace or satisfy any other permits required for those discharges.

3. Authorization under this permit applies only to the storm sewer system (or portions of a system) that you operate and described in your application. Your coverage under this permit does not authorize other regulated MS4s operated within or connected to your system.

4. This permit does not authorize new or expanded discharges unless the following requirements are met:

    a. A new or expanded discharge must be constructed and operated in accordance with the conditions in this permit. A review may be required under the antidegradation procedure outlined in the North Dakota Standards of Water Quality (NDAC 33-16-02.1-02(2)(c)) for new or expanded sources that would result in significant effects on the quality or uses of receiving waters. Unless otherwise directed by the Department a review is not required for new or expanded MS4 sources developed in accordance with this permit.

    b. This permit does not replace or satisfy any environmental review requirements, such as the National Environmental Policy Act (NEPA). You must complete any environmental review required by law, including any required Environmental Assessment Work Sheets or Environmental Impact Statements, Federal environmental review, or other required review.

c. This permit does not replace or satisfy any review requirements for threatened or endangered species, for discharges whose direct, indirect, interrelated, interconnected, or independent impacts would jeopardize a listed endangered or threatened species or adversely modify a designated critical habitat. You must conduct any required review and coordinate with appropriate agencies for any project with the potential of affecting threatened or endangered species, or their critical habitat.

d. This permit does not replace or satisfy any review requirements for historic or archeological sites, for discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites. You must be in compliance with National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the appropriate agency(s).

C. Obtaining Authorization

To obtain authorization under this general permit for stormwater discharges you must submit a complete application and develop a Stormwater Management Program as outlined in Part V of this permit. The stormwater management program must be implemented as a condition of this permit authorization. The submittal and authorization effective dates are provided below.

1. New Designation Applicants
   The Department may designate small MS4s that were not previously regulated by a permit to obtain permit coverage under this permit for discharges from their MS4. The operators of MS4s that are designated for coverage after the permit effective date must submit a complete application within 180 days of notification unless otherwise specified by the Department. Authorization under the permit will become effective 30 days after the application is submitted unless the Department requests additional information during that time.

2. Renewal Permittees
   The permittees that were previously covered by the MS4 general permit are authorized by this permit on the effective date of this permit. Renewal permittees that cannot demonstrate that one or more of the minimum control measures are being implemented in accordance with the conditions in Part V may be required to submit a compliance schedule for developing and implementing the control measures.

II. APPLICATION REQUIREMENTS

The requirements of this section apply only to new permit applicants (systems not covered under the previous general permit for discharges from MS4s). Renewal permittees are not required to meet the requirements of this section.

A. Application Content

The application shall contain the following information:

1. The street address and the name of the owner, agency or person with operational control of the MS4.

2. The name, address, and telephone number of the person responsible for overall permit compliance.

3. A brief description of the location of the MS4.

4. The name or general description of the water body(s), or other MS4s, that receive stormwater from your MS4.

5. The location of transportation facilities with vehicle maintenance activities, public works maintenance yards, transfer stations, waste handling facilities and wastewater treatment plants with a design flow of 1.0 mgd or greater.

6. The location and description of systems operated by other public entities within the MS4.

B. Stormwater Management Program Summary

The Stormwater Management Program will consist of a combination of Best Management Practices (BMPs), including education, maintenance, control techniques, system design and engineering methods, and such other provisions determined to be appropriate to meet the minimum requirements of this permit. A summary of the Stormwater Management Program you will implement must be attached to the application which includes the following:

1. The BMPs that you will implement for each of the stormwater minimum control measures in Part V.G. of this permit;

2. The measurable goals for the BMPs you plan to implement, including as appropriate, a description of the planned actions, timing and frequency of actions, and milestones;

3. Estimated schedule(s) (months, years) in which you will implement each BMP.

4. Identify the person(s) responsible for implementing and/or coordinating each component of the Phase II Stormwater Program. This should be the person(s) you want the Department to contact regarding the overall program or the particular components.

C. Implementation

New permittees must develop and implement their program within five (5) years from the date you are required to obtain a permit for your small MS4. The ordinance for construction site stormwater runoff controls required in Part V.G.4 must be completed within three (3) years from the date coverage is obtained.

D. Submittal

Applications signed in accordance with the signatory requirements in Part VII.A.6 (or as indicated on application forms), are to be submitted to the Department at the address below:

North Dakota Department of Health
Division of Water Quality
918 East Divide Ave
Bismarck, ND 58501-1947

III. RENEWAL REQUIREMENTS

Permittees that were covered under the previous MS4 general permit, and have submitted a permit renewal application in accordance with the Department's request, are covered by this permit. The permittee must continue to implement the Stormwater Management Program as described in the application and submittals provided in accordance with the previous MS4 general permit, unless proposed modifications or revisions are made in accordance with this permit.

IV. DISCHARGE CONDITIONS

A. Releases in Excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous material must be handled in accordance with the Notification Requirements in Part VII.A.7.

B. Stormwater Sampling

The Division reserves the right to require water quality sampling and testing, on a case-by-case basis. Monitoring may also be required if a stormwater-based Total Maximum Daily Load(s) have been implemented for any waterbody into which the permittee discharges.

C. Section 303(d) listings and Total Maximum Daily Load (TMDL)

If your MS4 discharges to waters identified on the current list of impaired waters under Section 303(d) of the Clean Water Act (see *Integrated Report* on Department's web site), you must review whether changes may be warranted in your Stormwater Management Program to reduce the impact of your discharge. If a TMDL(s) has been approved for a water body, you must review the adequacy of your Stormwater Management Program to meet the TMDL's Waste Load Allocation (WLA) set for stormwater sources. If the Stormwater Management Program is not meeting the applicable requirements, schedules and objectives of the TMDL, you must modify your Stormwater Management Program, as appropriate.

V. STORMWATER MANAGEMENT PROGRAM (Stormwater Pollution Prevention Program)

A. Implementation Requirement

The Stormwater Management Program is an enforceable part of this permit and a condition for coverage under this permit. The permittee must develop, implement and enforce a Stormwater Management Program designed to reduce the discharge of pollutants from their MS4, to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the North Dakota Water Pollution Control Act (NDCC 61-28) and the Clean Water Act. Implementation of Best Management Practices (BMPs) consistent with the provisions of the Stormwater Management Program and the other requirements in this permit constitutes compliance with the standard of reducing pollutants to the MEP.

B. Shared Programs

Implementation of one or more of the program elements may be shared with another entity, or the other entity may fully implement the measure. The agreement outlining such an arrangement must be maintained as part of the description of your stormwater management program.

C. Reporting

You must submit an annual report, as outlined in Part VI.D., on the implementation of the Stormwater Management Program by March 31 of each year, or on another date if established for your MS4 by the Department.

D. Pollutant Assessment

The Stormwater Management Program must include BMPs that control or reduce pollutants, as appropriate for your community. In the development of BMPs for your Stormwater Management Program, you must consider the sources of pollutants, the potentially polluting activities being conducted in the watershed, and the sensitivity of the receiving waters.

E. BMP Descriptions

Each minimum control measure must include; a description of the BMPs for the measure, responsible department in charge, an implementation schedule and measurable goals that will be used to determine the success or benefits of the BMPs.

F. Local Requirements

This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict or control discharges to storm drain systems or other water courses within their jurisdiction. The stormwater discharges must comply with the requirements of municipalities, counties, drainage districts and other local agencies in regard to discharges to storm drain systems or other water courses under their jurisdiction.

G. Control Measures

The six minimum control measures to include in your Stormwater Management Program are:

1. Public Education and Outreach on Stormwater Impacts.

    a. You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

    b. The education program must address each of the Minimum Control Measures listed below (Parts V.G.3 through 6):

        Measure 3 - Illicit discharge detection and elimination;
        Measure 4 - Construction site stormwater runoff control;
        Measure 5 - Post-construction stormwater management in new development; and
        Measure 6 - Pollution prevention/good housekeeping for municipal operations.

    c. The public education program, including the education programs for the Minimum Control Measures listed above, should identify the following:

        1) The audience or audiences involved;
        2) Educational goals for each audience in terms of increased awareness, increased understanding, acquired skills, and/or desired changes in behavior;
        3) Activities used to reach educational goals for each audience;
        4) Activity implementation plans, including responsible Department in charge, entities responsible for given activities, and schedules; and
        5) Available performance measures that can be used to determine success in reaching educational goals.

    d. Your education program(s) may be coordinated with and make use of other stormwater education programs being conducted in your area by other entities such as; community groups, nonprofit organizations, lake conservation districts, soil and water conservation districts, watershed districts, watershed management organizations, school districts, university outreach and extension, and county, regional, state, and federal government.

2. Public Participation/Involvement.

   a. You must provide the opportunity for public involvement and input on the Stormwater Management Program through formal and/or informal public meetings or notices soliciting comments from the public.

   b. The permittee must comply with state and local public notice requirements when implementing the Stormwater Management Programs required under the permit. Notice of all public hearings should be published in a community publication or newspaper of general circulation, to provide opportunities for public involvement that reach a majority of citizens through the notification process.

   c. You must consider the public input, oral and written, to the Stormwater Management Program and shall make adjustments you find appropriate.

3. Illicit Discharge Detection and Elimination.
   You must develop, implement and enforce a program to detect and eliminate illicit discharges into your MS4. Illicit discharges do not include discharges or flows from emergency fire fighting activities or other activities authorized by a separate NPDES permit. For the program you must:

   a. Develop and maintain a current storm sewer system map showing the location of:

      1) Ponds, streams, lakes and wetlands that are part of your system;
      2) Structural pollution control devices (grit chambers, separators, etc.) that are part of your system;
      3) All pipes and conveyances in your system, at a minimum, those pipes that are 24 inches in diameter and larger;
      4) Outfalls, including discharges from your system to other MS4s, or waters and wetlands that are not part of your system (where you do not have operational control); structures that discharge stormwater directly into groundwater; overland discharge points; and all other points of discharge from your system that are outlets, not diffuse flow areas.

   b. To the extent allowable under law, effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into your storm sewer system and implement appropriate enforcement procedures and actions.

   c. Develop and implement a plan to detect and address improper non-stormwater discharges, including illegal dumping, to your system. The permittee should investigate any illicit discharge within fifteen (15) days of its detection, and should take action to eliminate the source of the discharge within forty-five (45) days of its detection.

   d. Develop and implement a program to train municipal staff to recognize and respond to improper discharges that may be observed during typical duties. The program must address who will be likely to make such observations and therefore receive training, and how staff will report observed suspected illicit discharges.

   e. Address the following categories of non-stormwater discharges or flows (i.e., illicit discharges), only if you identify them as significant contributors of pollutants to your MS4:

water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire fighting activities.

4. Construction Site Stormwater Runoff Control.
You must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to your MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Controls on stormwater discharges from construction activity disturbing less than one acre must be included in your program, if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include, at a minimum, the development, implementation, and documentation of the following:

   a. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under law.

   b. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices.

   c. Requirements for construction site operators to control waste, such as discarded building materials, concrete truck washout, concrete grindings and slurry, chemicals, litter, sanitary waste and other non-stormwater discharges such as construction dewatering, at the construction site that may cause adverse impacts to water quality.

   d. Procedures for site plan review which incorporate consideration of potential water quality impacts.

   e. Procedures for receipt and consideration of information submitted by the public.

   f. Procedures for site inspection and enforcement of control measures.

5. Post-construction Stormwater Management for New Development and Redevelopment.
You must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, which discharge into your MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. At a minimum the post-construction stormwater management program must:

   a. Develop, implement, and document strategies which include the use of structural and/or non-structural BMPs appropriate for the community that address the discharge of pollutants from new development and redevelopment projects, and/or maintain or restore hydrologic conditions at sites to minimize the discharge of pollutants and prevent in-channel impacts associated with increased impervious surface. The post-construction controls should include a water quality component as outlined in Appendix 1.

   b. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under law.

c. Develop, implement, and document procedures to ensure adequate long-term operation and maintenance of BMPs, including procedures to enforce the requirements for other parties to maintain BMPs as appropriate.

   1) Verify the BMPs required by this measure are being installed according to specifications (this may be implemented as part of the construction program).
   2) Implement procedures to document the location, maintenance specifications and inspections for long-term BMPs (this may be implemented as part of the municipal operations program).

6. Pollution Prevention for Municipal Operations.
   You must develop an operation and maintenance program to prevent and reduce stormwater pollution from municipal operations. The program must contain the following:

   a. You must develop and implement a training component for your operation and maintenance program with the goal of preventing or reducing pollutants in runoff from municipal operations. The program must include employee training to prevent and/or reduce stormwater pollution from activities such as park and open space maintenance, snow disposal, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

   b. Operation and maintenance procedures that minimize the discharge of pollutants in stormwater. As part of your operation and maintenance program, you must:

      1) Inspect annually all structural pollution control devices, such as trap manholes, grit chambers, sumps, floatable skimmers, traps, separators, and other small settling or filtering devices.

      2) Inspect, at minimum, 20% of the MS4 outfalls, snow disposal areas, sediment basins and ponds each year on a rotating basis.

      3) Based on your inspection, determine if repair, replacement, or maintenance measures are necessary for proper operation to prevent environmental impacts such as erosion. The necessary corrective measures shall be completed as soon as possible, usually during the same year as the inspection. When this is not practicable, the reasons and a schedule for completion shall be submitted in the annual report.

      4) Keep records of inspection results, including as appropriate, date, antecedent weather conditions, sediment storage and capacity remaining, and any maintenance performed or recommended. After two years of inspections, if patterns of maintenance become apparent, the frequency of inspections may be adjusted. If maintenance or sediment removal is required as a result of each of the first two annual inspections, the frequency of inspection should be increased to at least two (2) times annually, or more frequently as needed to prevent carry-over or washout of pollutants from the structures and maximize pollutant removal. If maintenance or sediment removal is not required as a result of both of the first two annual inspections, the frequency may be reduced to once every two years.

   c. Municipal facilities must be operated to minimize the potential for pollutants in stormwater discharges. Your program must provide for the following:

1) Provide for the enclosure or covering of your salt storage piles, including salt treated sand, used for winter road deicing to prevent exposure to precipitation. Salt storage piles do not need to be covered or enclosed when adding to or taking materials from the pile and when stormwater drainage from the pile is contained on-site.

2) Locate and operate snow disposal sites using BMPs to minimize litter and sediment from leaving the site. A 50 foot vegetated buffer or other BMPs (such as berms, basins or fencing) should be used between the snow disposal site and both waters of the state and storm sewer inlets. Avoid locating disposal sites in riparian areas, abandoned gravel pits, landfills or areas that could adversely affect wells. Remove litter and accumulated sand from snow disposal sites as needed.

3) A Stormwater Pollution Prevention (SWPP) plan must be developed and implemented for each of the following permittee owned facilities: maintenance garages, public works facilities, transfer stations, and other waste handling facilities. If facilities are located at the same property, the permittee may develop one SWPP plan for the entire property. The SWPP plan is a separate document from the Stormwater Management Program required in this permit. A SWPP plan does not need to be developed if a permittee owned facility is covered by a currently effective Industrial Stormwater General Permit or other NPDES permit. The SWPP plan minimum requirements are outlined in Appendix 2.

H. Modifications to the Stormwater Management Program

1. The Department may require you to modify the Stormwater Management Program as needed, and may consider the following factors:

   a. Discharges from the storm sewer system are adversely impacting the quality of receiving waters;

   b. More stringent requirements are necessary to comply with new state or federal regulations; or

   c. Additional conditions are deemed necessary to comply with the goals and requirements of the Clean Water Act or water quality standard.

   Modifications to the SWMP required by the Department will be made in writing. The modification request will set forth a schedule for compliance and offer you the opportunity to propose alternative program modifications to meet the objectives of the requested modification.

2. The Stormwater Management Program may be modified by you without prior approval of the Department, provided it is in accordance with the following:

   a. A BMP is added, and none subtracted, from the Stormwater Management Program;

   b. A less effective BMP identified in the Stormwater Management Program is replaced with an alternate BMP. The alternate BMP shall address the same, or similar, concerns as the ineffective or failed BMP;

   c. The Department is notified of the modification in the annual report for the year the modification is made; and

   d. When a BMP is identified as ineffective a schedule for implementing an alternate BMP must be provided.

VI. EVALUATING, RECORDKEEPING AND REPORTING

A. Evaluation and Assessment.

You must evaluate program compliance, the appropriateness of your identified best management practices, and progress towards achieving your identified measurable goals.

B. Recordkeeping and Record Retention.

You must keep records required by the NDPDES permit for at least 3 years beyond the term of the permit. You must submit your records to the Department only if specifically asked to do so.

C. Public Availability

You must make your records, including your Stormwater Management Program, available to the public at reasonable times during regular business hours (see 40 CFR 122.7 for confidentiality provision). You may assess a reasonable charge for copying. You may require a member of the public to provide advance notice.

D. Annual Report

Your annual report covering the calendar year (January 1 to December 31) must summarize:

1. The status of compliance with permit conditions, including an assessment of the appropriateness of your identified BMPs and progress towards achieving your identified measurable goals for each of the minimum control measures. Your assessment must be based on results of information collected and analyzed, including monitoring (if any), inspection findings, and public input received during the reporting period;

2. The stormwater activities you plan to undertake during the next reporting cycle;

3. A change in any identified best management practices or measurable goals for any of the minimum control measures;

4. Notice that you are relying on another entity to satisfy some of your permit obligations (if applicable); and

5. The results of outfall inspections including the dates of inspections.

E. Report submittals

You must submit annual reports to the Department by March 31, or another date set by the Department, for each year of the permit term. The reports shall be submitted to:

North Dakota Department of Health
Division of Water Quality
918 East Divide Ave
Bismarck, ND 58501-1947

VII. STANDARD CONDITIONS

A. COMPLIANCE RESPONSIBILITIES BP 2008.09.18

1. Duty to Comply
The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Operation and Maintenance
The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

3. Planned Changes
The Department shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increase, or process modifications which might result in new, different, or increased discharges of pollutants shall be reported to the Department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 122.29(b) shall also be reported.

4. Duty to Provide Information
The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.

5. Records Retention
All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the Department or EPA.

6. Signatory Requirements
All applications, reports or information submitted to the Department shall be signed and certified.

a. All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

b. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above and submitted to the Department; and

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

If an authorization under “Compliance Responsibilities-Signatory Requirements” section is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

7. Noncompliance Notification

The permittee shall report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at 1.800.424.8802 and the state of North Dakota, Division of Homeland Security at 1.800.472.2121. The following occurrences of noncompliance shall be reported by telephone to the Department at 701.328.5210 by the first workday (8:00 a.m.-5:00 p.m. Central time) following the day the permittee became aware of the circumstances:

a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit (see “Compliance Responsibilities-Bypass of Treatment Facilities” section);

b. Any upset which exceeds any effluent limitation in the permit (see “Compliance Responsibilities-Upset Conditions” section); or

c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.

A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. The estimated time noncompliance is expected to continue if it has not been corrected; and

d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in the “Recordkeeping and Reporting” section. The Department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the Department at 701.328.5210 as identified above.

All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include the four items listed in this subsection.

8. Bypass of Treatment Facilities

Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

Bypass exceeding limitations-notification requirements.

a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.

b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in the "Compliance Responsibilities-Noncompliance Notification" section.

Prohibition of Bypass. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required in the "Bypass of Treatment Facilities-Anticipated Bypass" section.

The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above.

9. Upset Conditions

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the permittee can identify its cause(s);

b. The permitted facility was, at the time being, properly operated;

c. The permittee submitted notice of the upset as required under "Compliance Responsibilities-Noncompliance Notification" section; and

d. The permittee complied with any remedial measures required under "Compliance Responsibilities-Duty to Mitigate" section.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

10. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the Department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

11. Removed Materials

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the state. The permit issuing authority shall be contacted prior to the disposal of any sewage sludges. At that time, concentration limitations and/or self-monitoring requirements may be established.

12. Duty to Reapply

Any request to have this permit renewed should be made six months prior to its expiration date.

B. GENERAL REQUIREMENTS

1. Right of Entry

The permittee shall allow Department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee's premises to inspect the wastewater treatment facilities and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

2. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

3. Transfers

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent Department approval. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the Department of the possible change.

4. New Limitations or Prohibitions

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Need to Halt or Reduce
It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7. State Laws
Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

8. Oil and Hazardous Substance Liability
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

9. Property Rights
The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

10. Severability
The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

11. General Permits
Coverage under this permit may be modified, revoked and reissued, or terminated for cause. The Department may require any operator covered by this permit to apply and obtain an individual or alternative general permit if:

a. The discharge is not in compliance with the conditions of the general permit

b. Conditions or standards have changed so that the discharge no longer qualifies for a general permit

c. Information becomes available which indicates that the permitee's discharge has a reasonable potential to contribute to an exceedance of a water quality standard

When an individual NDPDES permit is issued to an operator otherwise subject to this permit or the operator is approved for coverage under an alternative NDPDES general permit, the applicability of this permit to the operator is automatically inactivated upon the effective date of the individual permit or coverage under the alternative general permit.

VIII. GENERAL PERMIT DEFINITIONS

1. “Act” means the Clean Water Act.

2. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

3. “Best management practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leads, sludge or waste disposal, or drainage from raw material storage areas.

4. “Common plan of development or sale” means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan, e.g., a housing development of five ¼ - acre lots. (40 CFR Sec. 122.26 (b)(15)(i)).

5. "Department" means the North Dakota Department of Health, Division of Water Quality.

6. “DMR” means Discharge Monitoring Report, which for the purpose of this permit is the annual report.

7. “EPA” means the U.S. Environmental Protection Agency.

8. “Expanded source of pollutants” means any changes in volume, quality, location, or any other factor that results in increased pollutant loading from a regulated discharge source which would have significant permanent effects on waters of the state.

9. “General permit” means a permit issued under NDAC 33-16-01 to a category of permittees whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.

10. “Maximum extent practicable” or “MEP” is the statutory standard that establishes the level of pollutant reductions that an owner or operator of regulated MS4s must achieve. The USEPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. The pollutant reductions that represent MEP may be different for each small MS4, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each permittee will determine appropriate BMPs to satisfy each of the six minimum control measures through an evaluative process. The USEPA envisions application of the MEP standard as an iterative process.

11. “Municipal separate storm sewer system” or “MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

    - Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management Agency under section 208 of the CWA that discharges to waters of the United States;

- Designed or used for collecting or conveying stormwater;
- Which is not a combined sewer; and
- Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

12. "NPDES" means National Pollutant Discharge Elimination System and includes the authorized state program.

13. "New development" means construction activities that create new impervious surface.

14. "New source of pollutants" means a discharge that started after the effective date of this permit.

15. "Notice of Intent" as referenced in the US EPA documents is synonymous with the term "permit application" for the purposes of this permit.

16. "Other regulatory mechanism" means any legally enforceable document, such as a contract or other agreement that has penalties such as withholding payments, fines or other measures to prevent non compliance.

17. "Operator" means the person with primary operational control and legal responsibility for the municipal separate storm sewer system.

18. "Outfall" means the point where a municipal separate storm sewer system discharges from a pipe, ditch, or other discrete conveyance to receiving waters, or other municipal separate storm sewer systems. It does not include diffuse runoff or conveyances, which connect segments of the same stream or other water systems.

19. "Owner" means the person that owns the municipal separate storm sewer system.

20. "Person" means the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.

21. "Physical alteration" means the dredging, filling, draining, or permanent inundating of a wetland. Restoring a degraded wetland by reestablishing its hydrology is not a physical alteration.

22. "Redevelopment" refers to alterations of a property that change the "footprint" of a site or building in such a way that results in the disturbance of equal to or greater than 1 acre of land. The term is not intended to include such activities as exterior remodeling, which would not be expected to cause adverse stormwater quality impacts and offer no new opportunity for stormwater controls.

23. "Small municipal separate storm sewer system" or "small MS4" means all separate storm sewers that are:

- Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.

- Not defined as “large” or “medium” municipal separate storm sewer systems pursuant to 40 CFR 122.26 paragraphs (b)(4) and (b)(7) of, or designated under paragraph (a)(1)(v).

- This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

24. “Stormwater” means stormwater runoff, snowmelt runoff, surface runoff and drainage.

25. “Stormwater discharge associated with construction activity” means discharge of stormwater from construction activities; including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

26. “Stormwater associated with industrial activity” means stormwater runoff, snow melt runoff, or surface runoff and drainage from industrial activities as defined in 40 CFR 122.26(b)(14). Industrial facilities (including industrial facilities that are federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

    (i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under Category (xi) of this paragraph);

    (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 30, 311, 32, 33, 3441, 373;

    (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by products or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

    (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44 and 45 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) - (vii) or (ix) - (xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25.

27. “Total Maximum Daily Load” or “TMDL” is the process established by the USEPA for the allocation of pollutant loads, including stormwater, to a particular water body or reach of a water body.

28. “Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))” means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

29. “Waters of the State” means any and all surface waters that are contained in or flow in or through the state of North Dakota as defined in NDCC 61-28-02. This definition includes all water courses, even if they are usually dry.

30. “You” means the owner, operator or permittee as appropriate.

APPENDIX 1 Post-Construction Control Guidelines

The criteria outlined in this section serve as guidelines for pollutant reductions from post-construction stormwater management in new development or redevelopment areas. The post-construction stormwater practices for managing a water quality volume as outlined below are for reducing pollutants carried in the first flush of stormwater runoff.

The water quality criteria would apply to on-site or regional systems for post-construction stormwater management. The water quality considerations do not replace or substitute for water quantity or flood management requirements implemented on the local level for new developments. The water quality features may be incorporated into the design of structures for flow control; or water quality control may be achieved with separate features.

A combination of practices may be used such that the water quality volume is accounted for on a percentage basis for the practices used. For areas or projects where it is impractical to meet the water quality treatment criteria or the lack of right of way precludes the installation of described practices, other treatment such as grassed swales, smaller ponds, or grit chambers; must be provided as an alternative. Low impact development practices and/or green infrastructure practices may be used to provide post-construction stormwater runoff control.

The design considerations for treating a water quality volume for common stormwater management methods are as follows:

Method	Water Quality Design Consideration
Wet Detention Ponds	Permanent Pool Volume (Vpp) = 1800 cu-ft per acre draining to pond; or the runoff from 2yr-24hr design rainfall event. Water Quality Volume (Vwq) = 0.5 inches from impervious area. The drawdown time for the Vwq should be a minimum of 12 hours.
Dry Detention Ponds (w/Extended Detention)	Extended Detention/ Water Quality Volume (Vwqed) = 1800 cu-ft per acre draining to pond; or the runoff from 2yr-24hr design rainfall event. The drawdown time for the Vwqed should be a minimum of 24 hours and not more than 72 hours.
Infiltration	Water Quality Volume (Vwq) = 0.5 inches from impervious area. The volume captured in rain gardens or passed through biofilters with under drains would be grouped with infiltration for water quality treatment. The Vwq should discharge through the soil or filter media within 48 hours. Additional flows that cannot be infiltrated in 48 hours should be routed to bypass the system through a stabilized outlet.
Flow-Through Treatment Devices	Size devices to treat the first 0.5 inches of runoff from impervious area.

Redevelopment / Retrofit	Where site conditions allow, consider incorporating water quality components or reduction in impervious surface area. The goals to consider are: Reducing impervious surface area; Implement BMPs or treatment methods to manage a portion of the first 0.5 inches of runoff from the impervious area.

The selection and design of post-construction controls must take into consideration clogging or obstruction issues, freeze-thaw problems, effect on slope stability and groundwater, and the ability to effectively maintain the control. Post-construction controls should be designed for ease of inspection and have adequate maintenance access (e.g., a stable access that allows equipment to enter a pond).

Recommended resources for planning and designing controls for urban stormwater runoff are:

The EPA National Menu of Best Management Practices at:

http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm

APPENDIX 2 Stormwater Pollution Prevention Plans

The requirements outlined in this section are for permittee owned facilities that are defined as industrial activity under 40 CFR 122.26(b)(14) such as vehicle maintenance shops, wastewater treatment plants, and landfill facilities. The objective of the plan is to identify potential sources of stormwater pollution associated with industrial activity and ensure that practices are implemented to minimize the contribution of pollutants. Stormwater management measures developed under other regulatory programs can be included in the SWPP plan or incorporated by reference.

The Stormwater Pollution Prevention Plan shall include the following:

1. **Site Description**.

   a. Provide a description of the type of activity conducted at the facility.

   b. A site map indicating drainage patterns; the outline of the drainage area for each stormwater outfall; areas used for storage or disposal of materials; and any existing or planned structures to reduce stormwater contamination. Clearly identify property boundaries, natural drainage ways receiving discharges, section, township, and range or lines of latitude and longitude. The map or drawing must be of suitable scale and quality to show the required information.

   c. Identify the individual(s) responsible for implementing, maintaining and revising the SWPP plan.

2. **Description of Potential Pollutant Sources**.

   a. Identify materials that are processed, handled, stored, or disposed of at your site that have the potential to be released with stormwater.

   b. Provide an assessment of the various sources at the site that could contribute pollutants to stormwater runoff. Each of the following shall be evaluated for the reasonable potential to contribute pollutants: loading/unloading operations, outdoor storage, disposal and processing activities, significant dust generating activities, and disturbed areas vulnerable to erosion. Factors to consider in assessing potential sources are: the nature and quantity of material, degree of exposure to stormwater, history of spills or leaks, and any measures in place to control stormwater.

   c. Identify sources of non-stormwater discharges that may be present and controls used to minimize the impact of the source. If the non-stormwater discharge is from a source other than those listed below, include measures to remove the illicit discharge.

      Allowable non-stormwater discharge include: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water, discharges or flows from fire fighting activities.

   d. For facilities subject to Emergency Planning and Community Right-to-Know Act Section 313 (EPCRA 313) requirements, the potential pollutant sources for which you report under EPCRA 313 must be identified in your description of potential pollutant sources.

3. **Stormwater Controls**. The plan shall describe the existing or planned controls for each source or operation that may contribute pollutants to stormwater runoff. A combination of Best Management Practices (BMPs) and structural controls must be implemented as appropriate to reduce pollutant contributions in stormwater. Such practices include:

    a. Good housekeeping practices to maintain a clean and orderly facility. Litter, debris, chemicals, and parts must be handled properly to minimize their exposure to stormwater. This includes measures to reduce and clean up vehicle tracking of sediment off-site and generation of dust.

    b. Preventive maintenance practices must be provided for the inspection and maintenance necessary to ensure the proper operation of stormwater management devices (oil/water separators, catch basins, and silt fences) as well as equipment used or stored at a site.

    c. Spill prevention and response procedures must be developed where potential spills can occur. Where appropriate, specific handling procedures, storage requirements, spill containment, and cleanup procedures shall be identified.

    d. Employee training informs personnel of their responsibility in implementing the practices and controls included in the plan such as spill response, good housekeeping, preventive maintenance, and sediment control practices.

    e. Erosion and sediment controls must be implemented on areas of the facility vulnerable to erosion. Areas vulnerable to erosion include those with little or no vegetation, steep slopes, or those with concentrated runoff flows such as ditches and culverts. The plan shall identify the control measures that will be used to minimize the release of sediment from the site (such as sediment basins, rock check dams, silt fences, vegetative buffers, permanent seeding, grassed swales, etc.) as well as methods to recover off-site sediment accumulations.

    f. Minimize exposure of industrial materials and activities to the extent practicable. Identify practices or site feature (such as storm resilient shelters) which limit the exposure or contact of stormwater with materials or activities.

    g. Stormwater Management. The plan shall include a description of practices that have been installed (or will be installed during construction) to control pollutants in stormwater discharges from the facility or offset the increase in runoff due to impervious area at the facility. Such practices may include: stormwater ponds; flow reduction by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems which combine several practices. The plan should include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

4. **Maintenance**. All structural stormwater controls and other protective measures identified in the plan must be maintained in effective operating condition. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. The plan must indicate as appropriate the maintenance or clean out interval for sediment controls. If site inspections, required in this permit, identify BMPs that are not operating effectively, maintenance shall be arranged and accomplished as soon as practicable.

5. **Inspections.** The plan must provide for site inspections to monitor the condition of stormwater discharge outlets and the effectiveness of stormwater controls. The permittee shall ensure that personnel conducting site inspections are familiar with permit conditions and the proper installation and operation of control measures. A comprehensive inspection of the facility's stormwater control

system should be made at least once (1) during a 6 month period or as specified in the permittee's program for pollution prevention/good housekeeping for municipal operations.

6. **Plan Review and Revisions.**

   a. The plan shall be signed in accordance with the signatory requirements, Part VII.A.6, and retained on-site for the duration of activity at the permitted location.

   b. The permittee shall make plans available upon request to the Department, EPA, or, in the case of discharges to a municipal separate storm sewer system, to the operator of the municipal system.

   c. The permittee shall amend the SWPP plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the state. The plan shall also be amended if the plan is found to be ineffective in controlling pollutants present in stormwater.

   d. A plan implemented under the previous version of this permit may be continued under this permit. Facilities operating under an existing SWPP plan are responsible for incorporating any changes necessitated by the conditions described in this permit. Any such changes must be implemented within 180 days of this permit's effective date, except for those related to inspection requirements which must be implemented within 30 days.